

**STATE OF MISSISSIPPI**

## AFFIDAVIT

**COUNTY OF YAZOO**

**BEFORE ME**, the undersigned authority, a Notary Public, in and said County and State, appeared the affiant, who, being first placed under oath and being known to me, stated the following:

I am John Henry Townsend, who, was convicted of distribution of a controlled substance before the District Court for the Middle District of Alabama in Case No. 97-131-N.

I was represented at trial by Attorney Barry E. Teague. On direct appeal by Attorney Richard Jude Spurlin, who was suspended from practicing of law in the State of Alabama, during the course of my appeal, by the Disciplinary Commission of the Alabama State Bar in Montgomery, Alabama on March 19, 1999.

Prior to trial. I informed my attorney (Barry Teague) of two (2) favorable witnesses "that could have given testimony that the narcotics transaction that Cedric Grant say happen on April 30, 1996, 'never happen'". I asked my attorney (Barry Teague) to contact Mark Woodward, who Cedric Grant say was supposedly involved in the alleged narcotics transaction on April 30, 1996 at Townsend Garage II, 5676 Bell Road, Montgomery, Alabama. Also, I asked Attorney Teague to contact as another witness, my secretary, Brenda D. Burke, who was there at the garage working on April 30, 1996. I gave Attorney Teague a very strong indication of what they (Mr. Woodward and Ms. Burke) would have said about the alleged offense in which I was wrongfully convicted of at trial.

"Despite my numerous requests", Attorney Teague still failed to interview these two (2) favorable witnesses.

Also, it was always my intent to testify at trial. I wanted to testify to the fact that the narcotics transaction that Cedric Grant say happen on April 30, 1996, "never happen". My testimony would have created a credibility battle between myself and "the lone government witness." The record is devoid of any facts surrounding my decision not to testify. Had the Court heard my side of the story from me, or Mr. Woodward or Ms. Burke, these testimonies would have made a different outcome reasonable probable.

~~John Henry Townsend~~  
~~Affiant~~

SWORN TO and SUBSCRIBED before me this 21 day of October, 2002.

Notary Public  
My Commission Expires:

Notary Public Seal w/Notary Seal At L-130  
My Commission Expires June 24, 2005  
Bonded Title Notary, Brooklyn & Gurland, Inc.

STATE OF ALABAMA

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AFFIDAVIT

COUNTY OF MONTGOMERY

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BEFORE ME, the undersigned authority, a Notary Public, in and said County and State, appeared the affiant, who, being first placed under oath and being known to me, stated the following:

I am **BRENDA D. BURKE**, and I was the office manager or secretary for Townsend Garage II at 5676 Bell Road on April 30, 1996.

I answered the phone that day and was there at my desk (which is very visible to Mr. Townsend's office) that day and I never seen John Townsend and any other four (4) black males go into his office and close the door to conduct any type private business. Furthermore, I never seen Mr. Townsend close the door to discuss any type private business that I am aware that didn't involve an automobile transaction that I had previous seen the paper work on.

I would be willing freely to testify in any Court of Law that on April 30, 1996, John Townsend did not go into close doors of his office with any four (4) people, black, white, male or female to do any type business.

I make this affidavit to state, this meeting of John Townsend, and four (4) other black males, did not occur in close doors of his office on April 30, 1996, anywhere around the approximately hour of our busiest time of the day 9:30 a.m. to 5:30 p.m., which is closing out time.

  
Brenda D. Burke, Affiant

SWORN TO and SUBSCRIBED before me this 14th day of June ,  
2002.

  
NOTARY PUBLIC  
My Commission Expires:  
04/27/2005

STATE OF ALABAMA      )  
                            )  
                            )  
COUNTY OF ELMORE      )

**AFFIDAVIT**

**BEFORE ME**, the undersigned authority, a Notary Public, in and said County and State, appeared the affiant, who, being first placed under oath and being known to me, stated the following:

I am **MARK LEE WOODWARD**, SSN: 421-70-3631, and was not involve in any type drug transaction at Townsend Garage II at 5676 Bell Road, Montgomery, Alabama on April 30, 1996.

I never meet Cedric Grant on April 30, 1996 and done a drug deal, where he gave John Townsend \$7,500.00 and Mr. Townsend in-turn handed the money to me (Mark Lee Woodward) and I (Mark Lee Woodward) had two (2) other black males follow me to Townsend Garage II and give any amount of drugs to Mr. Townsend or Mr. Cedric Grant.

I would be willing freely to testify in any Court of Law that this alleged transaction, if took place, I was not involve in any shape, form, or fashion. Moreover, I will state for the record, that prior to April 30, 1996, it had been anywhere from 15 to 24 months since I (Mark Lee Woodward) had placed my feet on the grounds of Townsend Garage II at 5676 Bell Road. Therefore, there is no way CS Cedric Grant can truthfully have said that John Townsend beep me (Mark Lee Woodward) and I (Mark Lee Woodward) came to Townsend Garage II, being followed by two (2) black males and the four (4) of us meet in Mr. Townsend's office and completed a drug transaction.

I make this affidavit to state, this meeting or transaction never took place with me (Mark Lee Woodward) being involved.

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Mark Lee Woodward, Affiant

**SWORN TO and SUBSCRIBED** before me this \_\_\_\_\_ day of August, 2000.

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NOTARY PUBLIC  
My Commission Expires: